

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON**

IN RE: ETHICON, INC., PELVIC REPAIR SYSTEM PRODUCTS LIABILITY LITIGATION	Master File No. 2:12-MD-02327 MDL 2327 JOSEPH R. GOODWIN U.S. DISTRICT JUDGE
THIS DOCUMENT RELATES TO ALL CASES	

NOTICE TO TAKE DEPOSITION OF DR. BERND KLOSTERHALFEN

TO: All Counsel of Record

PLEASE TAKE NOTICE that the undersigned attorneys for Defendants Ethicon, Inc. and Johnson & Johnson, pursuant to the Federal Rules of Civil Procedure, will take the deposition upon oral examination of the following person on the date, at the time, and at the place set forth below. The deposition will be taken before a person authorized by law to administer oaths, pursuant to the Federal Rules of Civil Procedure.

Deponent: **Dr. Bernd Klosterhalfen**

Date & Time: September 16 and 17, 2013 at 9:00 a.m.

Location: The Quellenhoff Hotel
 (Conference TBD)
 Monheimsallee 52,
 52062 Aachen
 Germany

PLEASE TAKE FURTHER NOTICE that the person to be examined is required to produce within 14 days in advance of the deposition all document requested set forth in Schedule A attached hereto.

Dated: August 28, 2013.

Respectfully submitted,

/s/Christy D. Jones

Christy D. Jones
Butler, Snow, O'Mara, Stevens &
Cannada, PLLC
1020 Highland Colony Parkway
Suite 1400 (39157)
P.O. Box 6010
Ridgeland, MS 39158-6010
(601) 985-4523
Christy.jones@butlersnow.com

/s/ David B. Thomas

David B. Thomas (W.Va. Bar #3731)
Thomas Combs & Spann PLLC
300 Summers Street
Suite 1380 (25301)
P.O. Box 3824
Charleston, WV 25338
(304) 414-1807
dthomas@tcspllc.com

COUNSEL FOR DEFENDANTS ETHICON, INC.
AND JOHNSON & JOHNSON

CERTIFICATE OF SERVICE

I hereby certify that on August 28, 2013, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system which will send notification of such filing to CM/ECF participants registered to receive service in this MDL.

/s/Christy D. Jones

Christy D. Jones

INSTRUCTIONS

1. If you assert that any document requested herein is privileged, provide the following information with respect to each such document:

- (a) its date;
- (b) its author;
- (c) all addressees or recipients of the original or copies thereof, including blind copies;
- (d) a brief description of its subject matter, number of pages, and attachments or appendices;
- (e) all persons to whom the document was distributed, shown or explained;
- (f) its present custodian; and
- (g) the nature of the privilege claimed.

2. If you at any time had possession or control of a document requested herein and if such document has been lost, destroyed, purged or is not presently in your possession or control, identify the document, the date of its loss, destruction, purge or separation from your possession or control and the circumstances surrounding its loss, destruction, purge or separation from your possession or control.

3. Unless the request specifically states otherwise, references to the singular include the plural and vice versa; references to one gender include the other gender; references to the past include the present and vice versa; and disjunctive terms include the conjunctive and vice versa. The term "including" shall be construed without limitation.

4. This Request for Production of Documents shall be deemed continuing in order to require supplemental answers if you obtain further information between the time of responding to this Request for Production of Documents and the time of trial.

DEFINITIONS

1. "You," "your" and "plaintiffs" refers to plaintiffs in the multi-county litigation venued in Atlantic City regarding Pelvic Mesh/ Gynecare, and any and all persons acting or purporting to act on their behalf.

2. "Defendants" means defendants Ethicon, Inc. and Johnson & Johnson.

3. "Document(s)" means the original and any non-identical copy thereof, regardless of origin, location, or form of storage (whether hardcopy, electronic, digital or other format), including but not limited to the following: books, pamphlets, periodicals, memoranda, letters, reports, handwritten or other notes, newsletters, telegrams, records, diaries, messages (including reports of telephone conversations or conferences), minutes, bulletins, circulars, brochures, studies, instructions, or other communications (including interoffice or intra-office communications), working papers, computer disks and/or computer printouts, charts, work assignments, drawings, prints, flow sheets, graphs, photographs, photomicrographs, microfilm, medical and hospital records and reports, X-ray film or photographs, drafts, advertisements, catalogs, purchase orders, bills of lading, bill tabulations, questionnaires, surveys, contracts, options to purchase, memoranda of agreement, assignments, licenses, books of account, orders, invoices, statements, bills (including telephone bills), checks, vouchers, papers, indices, tapes, disks, data sheets or data processing materials, or any hand-written, printed, typed, transcribed, punched, taped, filmed or other graphic material of any nature and all mechanical and electronic

sound recordings thereof, however produced or reproduced, in plaintiffs' possession, custody or control, or known by plaintiffs to exist, or to which plaintiffs now have or have ever had access. It shall also mean all copies of documents by whatever means made, and all drafts whether or not later finalized; and shall include any marginal notes or other markings appearing on any such "document" or "writing."

4. "Person" or "Persons" mean any individual, including accountants or attorneys, committee or group of individuals, corporation, partnership, proprietorship, trust, association, governmental agency (whether federal, state, local or any agency of the government of a foreign country), company or any other form of business, professions or commercial enterprise or any other entity.

5. "Relate" and its derivations means to concern, consist of, show, summarize, refer to, involve, reflect or have any legal, logical or factual connection with the designated matter of topic.

6. "Relating to" shall mean consisting of, referring to, reflecting, involving, summarizing, concerning or being in any way legally, logically or factually connected with the matter or topic discussed.

SCHEDULE A

1. All documents and data in deponent's possession which is subject to the Ethicon confidentiality/non-disclosure agreement.

2. All Ethicon hernia, pelvic floor and/or SUI mesh pathology, including but not limited to tissue blocks and slides.

3. All other mesh pathology from other manufacturers in deponent's possession, custody or control (including those mesh manufacturers for whom deponent serves as a consultant).

4. All documents and data concerning either the Ethicon or non-Ethicon pathology in deponent's possession, custody or control.

5. All documents, including emails, that pertain to deponent's work as a former Ethicon consultant and which reflect any communication with any individual who, at the time of the communication, was an Ethicon employee.

ButlerSnow 17474374v1